

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
PRESENTENCE INVESTIGATION REPORT
OBJECTIONS

UNITED STATES OF AMERICA

VS.

LELAND ROBINSON

DOCKET NO: 02087;20CR00448-001 (KMK)

Prepared for: Honorable Kenneth M. Karas

Prepared for: Nichole Brown-Morin USPO

Prepared for: Honorable Laura Taylor Swain

Prepared for: UNITED STATES Attorney General

Prepared for: INTER-AMERICAN COMMISSIONER
on Human Rights

INSTITUTIONAL ADJUSTMENT OBJECTION

Bureau of Prisons (BOP) records showed that the defendant tickets that was given by MDC officers for refusing a work assignment and/or Program, phone abuse and possessing an unauthorized item has been dropped and the defendant was never sanctioned by DHO at MDC or Punishment.

Therefor MS Brown report is incorrect.

2.

The offense Conduct objections

on 10/24/19, at 1949 hours, NCPD was dispatched to the area of oenoke ridge and Lukes wood Road. The suspicious person was said to be a black male wearing a black hoodie and black jeans.

NCPD officers asked Leland if he could provide them with an I.D. at trial Leland demonstrated from officer ceci bodycam that he was holding in his hand a Work I.D. and never lied to officers about his name and age.

However officers reported in there report logs that Leland stated he did not have one on him.

Due to his alleged statements and alleged failure to tell the truth, Mr. Robinson was advised that he was going to be charged with C.G.S.

53a-167a interfering with an officer/resisting.

3.

officer Marzano met with the complainant Weston. Stated that he was leaving to pick up his daughter and noticed a black male wearing dark clothes near the pillar of his driveway.

Weston stated he honked the horn and flashed his headlights at the male.

He stated the male then began walking towards Lukeswood Rd. Leland was not identify by Weston as the person.

During an interview with officers alleged victim C confirmed he never met with Leland and he stated he was only talking to the person in a sexual nature because it was to get the person to bring him a juul.

Because officers asked about a text he sent to the 6760 number on 10/23/19 at 8:33 pm which read: "Because I need your dick tonight." See USAO-000271

Officer Ceci, during her cross-examination stated she could not confirm Leland was possessing a phone with ending 6760 as well did not see Leland delete any text messages or use a phone. see trial transcript Page 125.

4.

Leland never lied to the alleged victim-c about his age or told the alleged victim he was in high school. The alleged victim-c testified "he thought they was talking to a person around 16 because snapchat put the person on his quick add." see trial transcript page 528.

The alleged victim-c testified "The person never told him their name." see trial transcript page 534.

The alleged victim-c testified "he believed the person lived in Wilton but the person never told him they lived their." see trial transcript page 536.

The alleged victim-c could not make a positive identification of Leland as the person he communicated with or alleged engaged in sexual acts with as well could not make a in-court identification of Leland as the person he alleged engaged with.

The alleged victim-c gave a description of the clothing of the alleged person he met and Leland did not fit that description.

5.

The alleged victim testified "the person had a gray hoodie on attached to a coat. see trial transcript page 545.

Leland was not wearing a gray hoodie attached to a coat.

The alleged victim-c testified "never recieved any assistance for any alleged incident as well never made any reports to any hospitals that they might have been tempted, or forced, as well confirms between August 1, 2019 through october 24, 2019 never felt forced in anyway. see trial transcript page 580.

The alleged victim-c confirms he lied to Police and Parents multiple times. see trial transcript Page 582.

During trial the alleged victim confirmed who he met on october, 24, 2019 the alleged victim-c testified "The 203-893-2190, just to be clear, Yes that's the person i thought was bringing the Juul. Establishing a person named Adam was the person he was meeting with. Leland was never found to use the number 203-893-2190 or go by the name adam. see trial transcript page 590.

6.

The Government has not provided evidence of Leland creating or owning a snapchat account through August 2019 to October 24, 2019 or sending any form of communication through snapchat.

The alleged victim-c had a screen shot of the surfer emoji profile and there was no content or activity linked to the screen shot or Leland.

Leland objected to the evidence on grounds of lack of authentication snapchat never confirmed the profile was real or linked to Leland.

No photographs or videos of any kind has been found to link to snapchat or Leland.

The Government has not provided any extrinsic evidence linking Leland to the infoLeland@gmail.com account as well google has not provided any information linking Leland to the gmail or texting app.

The record is silent on online communications within the Southern district of New York and else where.

7.

The record evidence establish Leland never initiated any form of communication or sexual acts against the alleged victim-c. Therefore terminating the argument that Leland engaged in a pattern of activity involving prohibited sexual conduct or is a repeat and dangerous sex offender against minors.

The alleged victim-c initiated the snapchat communications about illegal drugs. See trial transcript page 527.

The alleged victim-c initiated all face time communications. See Government EXHIBIT 501-2-R

The alleged victim-c initiated the imessages communications and initiated communications in a sexual nature on october 23, 2019. See Government EXHIBIT 806.

The alleged victim-c confirmed at trial he came up with the plan to get the person to his house. Then voluntarily took the person back to his alleged back yard. see trial transcript page 542.

The defendant never performed oral sex on the alleged victim-c and never directed the victim to reciprocate. The defendant never anally penetrated the alleged victim-c.

The property owner never identified Leland as the person on the property or reported seeing Leland leaving his property. see USAO_000157.

The alleged victim-c has impeachment evidence because he lied on the stand when he said "the person looked 16 but later on admitted that he never saw the person face.

The alleged victim-c testified "he was unable to see the person face that night." see trial transcript page 545.

Leland testified he never met the alleged victim-c or sexually engaged with them as well does not own the 6760 number or was on anyone property on October 29, 2019.

The Government never objected or established rebuttal evidence to support Leland was lying.

9.

The Government never found under age Pornography on any device linked to Leland. The Government confirmed they could not confirm if the content was from any minors as well the content was alleged found in an iCloud not on a device.

There was never multiple alleged victims or acts. The person K never testified Leland tried to have sex or send any form of nudes as well the person Z never told the FBI Leland sent him nudes on Snapchat or gave him drugs as well never identified Leland.

Therefore terminating the argument that Leland is a repeat offender.

10.

Leland's conduct viewed cumulatively, does not suggest a pattern of behavior of a dangerous person against minors.

There's no evidence Leland initiated any conduct or gave the alleged victim-c illegal drugs. Therefore terminating the argument of Leland being a dangerous offender.

Leland did not seek out a minor to entice or persuade, the alleged victim-c initiated the conversation with the intent, in engaging in illegal sexual activity. By asking for illegal drugs.

The defendant objects to the base offense level: The guideline for a violation of 18 U.S.C. 2422(b) is USSG 2G1.3.

The offense does not involve causing, transporting, permitting, or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct 2G1.3(c)(1) does not apply and the base offense level is 28 under USSG 2G1.3.

11.

The defendant objects to the specific offense characteristics. A two-level increase is not warranted because the defendant did not misidentified his identity to persuade, induce, entice, coerce, or facilitate the travel of, a minor to engage sexually explicit conduct.

A two-level increase is not warranted because the offense did not involved the commission of a sexual act.

The defendant did not willfully obstructed justice and never lied under oaths, therefore two levels are not added.

Adjustment offense level : 30

12.

The defendant objects to the chapter four enhancement of offense level 45.

The defendant never engaged in a pattern of activity involving prohibited sexual conduct.

The defendant did not seek out a minor to entice or persuade the alleged victim-c initiated the conversation

with intent to engage in illegal sexual activity by asking for illegal drugs.

Therefore, the defendant is not a repeat and dangerous sex offender against minors.

Therefore it's not in the interest of justice for a offense level of 45.

The victims wrongful conduct contributed significantly to provoking the offense behavior. The court may reduce the sentence below the guideline range to reflect the nature and circumstances of the offense.

The danger actually presented to the defendant by the victim. The alleged victim-c seeked out, initiated contact in a illegal nature and steering the conversation in a sexual nature.

13.

The offense level is 30 with criminal history 1 with guideline from 97-121 meeting the mandatory minimum of 120 months.

The defendant objects to sentencing options. Life is not in the interest of justice.

Specially when the Government can not by a preponderance of evidence demonstrate the defendant being the initiator of the communications.

Mitigating Circumstances

The conditions at the Metropolitan Correction Center (MCC) in Manhattan got so bad that, in August 2021, after a single visit by the Deputy Attorney General, the Department of Justice ordered the facility shuttered. The defendant was placed at MCC during the time and had no lights and running water while on 24 hour lock down.

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Meanwhile, the defendant is placed at MDC in Brooklyn and has experienced perpetual lockdowns (no longer explained by COVID-19), dreadful conditions, and lengthy delays in getting medical care. At least four inmates have died by suicide in the past three years.

S.D.N.Y. May, 5, 2020, ECF No. 90 (Judge Berman stating about the MDC "They are dirty. They are infested with drugs. You can get drugs and other contraband at the drop of a hat.") See also Noah Goldberg, Feds Launched Emergency Search for Gun at Brooklyn Federal Jail, N.Y. Daily News (Oct. 15, 2021) (A firearm was discovered on the 6th floor of the [MDC] and numerous contraband. The defendant was placed at MDC during the time a firearm was found and was placed in the same unit at the time.

15.

Just last year, two correctional officers at the MDC were arrested for accepting bribes to smuggle contraband into the facility. See press release, Dep't of Justice, Brooklyn Federal Correctional officers charged with Bribery (Apr. 18, 2023).

See United States v. Days, No. 19-CR-619 (CM) (S.D.N.Y. Apr. 29, 2021), ECF No. 35 (It is the finding of this court that the conditions to which [the defendant] was subjected are disgusting, inhuman as anything I've heard about any/ Colombian prison, but more so because we're supposed to be better than that. . . . I think you've suffered triply as a result I am convinced that no good would be served by keeping you incarcerated for one minute more than I am required to do by law") (imposing a below-Guidelines sentence on account of the conditions of the MDC."

16.

The conditions at the MDC are dreadful in many respects. First inmates at the MDC spend an inordinate amount of time on "lock down" that is, locked in their cells, prohibited from leaving for visits, calls, showers, classes, or exercise.

Solitary confinement is "psychologically painful, can be traumatic and harmful, and puts many of those who have been subjected to it at risk of long-term damage").

Finally, the MDC's physical conditions have long been problematic. See generally order, United States v. Espinal, No. 11-CR-537 (JMN) (CLP) (E.D.N.Y. Oct. 17, 2016), ECF No. 39 (collecting "letters relating to the conditions at the Metropolitan Detention Center," which reported visible mold on walls and ceilings, contaminated drinking water, vermin infestation, mouse droppings falling through HVAC vents, and roaches and flies in showers).

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In 2021, the MDC carried out "planned maintenance" on the electrical system by enforcing a lockdown "over the course of four nights" with no power and water. Federal Defenders of NY, INC. v. Federal Bureau of Prisons, No. 19-CV-660 (MKB) (E.D.N.Y. Oct. 15, 2021). During this time, inmates' toilets were reportedly "overflowing because... officers did not come by with buckets of water," and inmates "were sitting with water on the cell of their floor in the dark with feces on it."

The defendant was at MDC during the time of the planned blackout with no water.

The toilet was overflowing the whole time during the four days without power.

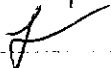
It has gotten to the point that it is routine for judges in both districts to give reduced sentences to defendants based on the conditions of confinement in the MDC.

Prosecutors no longer even put up a fight, let alone dispute that the state of affairs is unacceptable.

Based on these circumstances the defendant should be sentenced to the mandatory minimum.

18.

Respectfully Submitted by my hand, with a sound mind.

I am: 

Leland Robinson

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C.C.

Honorable Laura Taylor Swain

INTER-AMERICAN COMMISSIONER ON Human Rights

UNITED STATES Attorney General

Nichole Brown-Morin USPO

1/21/24

